

UNITED STATES DISTRICT COURT  
for the

Eastern District of North Carolina

United States of America

v.

Connell Lee Berry

)

Case No: 4:03-CR-58-1H

)

USM No: 23558-056

Date of Original Judgment: 02/03/2004

)

Date of Previous Amended Judgment: 09/30/2008

)

(Use Date of Last Amended Judgment if Any)

Thomas P. McNamara

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_

The defendant was released from incarceration, therefore, he is no longer eligible for the retroactive crack reduction.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

*(Complete Parts I and II of Page 2 when motion is granted)*

Except as otherwise provided, all provisions of the judgment(s) dated 02/03/2004 shall remain in effect. **IT IS SO ORDERED.**

Order Date: 12/27/2011

  
Judge's signatureEffective Date: \_\_\_\_\_  
*(if different from order date)*Senior U.S. District Judge Malcolm J. Howard  
Printed name and title